



W.P.(MD)No.21299 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21299 of 2023

and

W.M.P.(MD)No.17703 of 2023

D.Muthuraja

... Petitioner

versus

1. The District Registrar,
Rajakambeeram,
Othakadai,
Madurai District,
Madurai.

2. The Sub Registrar,
Samanatham,
Panaiyur Vilakku (Iyanapuram)
Madurai South Taluk,
Madurai District.

3. The Tahsildar,
Madurai South,
Madurai.
(R3 is *suo motu* impleaded
by order dated 26.09.2023)

... Respondents



W.P.(MD)No.21299 of 2023

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned rejection check slip in RFL/Samanatham/20/2023 dated 25.08.2023 and set aside the same and consequently, direct the 2nd respondent to register the Gift Settlement Deed dated 25.08.2023 in respect of the property vide Patta No.899 situated in Old Survey No.75/1, New S.No.75/28A measuring to an extent of 33 cents out of 9 Acres 5 Cents at Viraganur Village, Madurai South Taluk, Madurai District, within a stipulated period as prescribed by this Court.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

This writ petition is filed challenging the refusal check slip dated 25.08.2023 issued by the second respondent, refusing to register the Gift Settlement Deed dated 25.08.2023.

2. The learned counsel appearing for the petitioner submits that the petitioner is a kidney patient and therefore, he executed a Gift



W.P.(MD)No.21299 of 2023

Settlement Deed dated 25.08.2023 in favour of his wife in respect of the land to an extent of 33 cents in Survey No.75/1 situated at Viraganur Village. When the petitioner has presented the Gift Settlement Deed dated 25.08.2023 for registration, the second respondent has refused to register the same. Hence, the petitioner is before this Court.

3. The learned Additional Government Pleader submits that the patta for the said land stands in the name of the petitioner's father and the petitioner has not taken any steps to transfer the patta in his name. He further submits that as per the recent circular, the petitioner has to produce a copy of patta in his name. If the petitioner produces a copy of patta in his name, the document would be registered.

4. The learned counsel appearing for the petitioner submits that the petitioner has also submitted an application dated 04.09.2023 before the Tahsildar, Madurai South, for transfer of patta in his name.



W.P.(MD)No.21299 of 2023

WEB COPY

5. In view of the fact that the petitioner has submitted the application for transfer of patta before the Tahsildar, Madurai South, this Court *suo motu* impleads the Tahsildar, Madurai South, as a party to this writ petition. The learned Additional Government Pleader is directed to take notice for the newly impleaded respondent.

6. Considering the fact that the petitioner is a kidney patient, the Tahsildar, Madurai South is directed to consider the petitioner's application dated 04.09.2023 and take a decision on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The petitioner, after getting patta in his name, shall re-present the Gift Settlement Deed dated 25.08.2023 along with a copy of patta, before the second respondent for registration. On receipt of the same, the second respondent shall register the Gift Settlement Deed dated 25.08.2023.



W.P.(MD)No.21299 of 2023

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: The Registry is directed to mark
a copy of this order to the Tahsildar,
Madurai South.

To

1. The District Registrar,
Rajakambeeram,
Othakadai,
Madurai District,
Madurai.
2. The Sub Registrar,
Samanatham,
Panaiyur Vilakku (Iyanapuram)
Madurai South Taluk,
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3. The Tahsildar,
Madurai South,
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W.P.(MD)No.21299 of 2023

B.PUGALENDHI, J.

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W.P.(MD)No.21299 of 2023

26.09.2023